

1 John A. Kawai, State Bar 260120
2 CARPENTER, ZUCKERMAN & ROWLEY
3 407 Bryant Circle, Suite F
Ojai, CA. 93023
4 Tel: (805) 272-4001
Fax: (805) 719-6858
Email: jk@czrlaw.com

5 Deborah A. Bianco, *Pro Hac Vice*
14535 Bel-Red Road, #201
6 Bellevue, WA. 98007
7 Tel: (425) 757-4500
Email: deb@biancolaw.com

8 Carol L. Hepburn, *Pro Hac Vice*
9 200 First Avenue West, Suite 550
Seattle, WA. 98110
10 Tel: (206) 957-7272
Fax: (206) 957-7273
11 Email: carol@hepburnlaw.net

12 Attorneys for Plaintiffs

13
14 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

15 AMY et al

16 Case No: 3:19-cv-01897-VC

17 Plaintiffs,

18 v.
19 DECLARATION OF WILLIAM L.E. DUSSAULT
20 IN SUPPORT OF MOTION FOR APPROVAL OF
MINOR SETTLEMENT RE VIOLET, A MINOR

21 RANDALL STEVEN CURTIS,

22 HEARING DATE:

23 Defendant.

TIME: 10:00 am

COURTROOM:

24
25
26 BEFORE HONORABLE MAGISTRATE JUDGE
LAURA BEELER
27 UNITED STATES DISTRICT COURT

28 DECLARATION OF WILLIAM L.E. DUSSAULT IN SUPPORT
OF MOTION FOR APPROVAL OF MINOR SETTLEMENT RE
VIOLET, A MINOR

I, William L.E. Dussault, declare the following:

1. I am an attorney with the law firm of Aiken St. Louis & Siljeg, P.S. and make this
2 declaration based on my personal knowledge and belief and am competent to testify to the facts set
3 forth herein.

4. Qualifications. I have been licensed to practice law continuously since 1972. A copy of
5 my Curriculum Vitae is attached hereto as Ex.1. I am currently licensed and in good standing in the
6 state of Washington and inactive in the State of Colorado. I have never been disciplined by any Bar
7 Association and there are no matters currently pending with any Bar Association concerning me.

8. I was appointed as a Guardian Ad Litem for Violet by the Washington State Superior
9 Court for Mason County pursuant to our Court Rule SPR 98.16W on December 21, 2015. An true and
10 correct copy of this order is attached hereto as Ex. 2.

11. Blocked Account. Pursuant the state court order a blocked account was established in
12 2016 for the deposit of funds obtained on Violet's behalf. Periodic accounting reports have been made
13 to the court since that time and orders approving each of those reports have been entered. In each order
14 approving the periodic reports the court has approved the contingent fees requested of one-third of
15 proceeds obtained and reimbursement of the costs advanced requested.

16. Appropriateness of Proposed Settlement. Over the course of this time there have been
17 several settlements of civil claims negotiated on Violet's behalf. None of these claims have proceeded
18 to trial. Through continued communication and discussion with Violet's counsel, Ms. Hepburn, and my
19 own review I am aware of the various legal and factual issues pertaining to actions under section 2255
20 of United States Code Title 18.

21 DECLARATION OF WILLIAM L.E. DUSSAULT IN SUPPORT
22 OF MOTION FOR APPROVAL OF MINOR SETTLEMENT RE
23 VIOLET, A MINOR

1 6. During the conduct of this matter and particularly during the preparation of the
2 Plaintiffs' Motion for Summary Judgment and the lead up to the final settlement conference, Violet's
3 counsel Ms. Hepburn has kept me apprised of the legal issues raised and the progress of the instant
4 litigation. Important concerns in this matter include the paucity of reported cases on the legal issues
5 raised by the claim or the affirmative defenses, the efforts necessary for collection of any judgment, the
6 likelihood of appeal of any verdict, and shielding Violet from deposition or any direct involvement in
7 this litigation. I participated in the majority of the zoom settlement conference on June 7, 2021 with
8 the court and consulted with the Plaintiffs' legal team at that time. I have reviewed the Motion for
9 Approval of Minor Settlements, the supporting declarations, and the proposed terms of settlement. I
10 have consulted with Ms. Hepburn concerning counsel's findings with regard to assets held and not held
11 by the Defendant.

14 7. In light of these issues, the particular facts of this case, and based on my knowledge of
15 settlements of other claims brought on Violet's behalf it is my professional opinion that this overall
16 settlement is fair and reasonable for Violet. I have consulted with Violet's mother who is her custodial
17 parent. She has had the opportunity to review this motion, all of the declarations and documentation
18 supporting the motion and she is in favor of the settlement being approved as set forth in this motion.

20 8. Fees and Costs Requested by Counsel. I have also reviewed the declarations of Mr.
21 Kawai, Ms. Bianco, and Ms. Hepburn concerning fees and costs. I understand that each plaintiff would
22 pay a one-third contingent fee and costs of \$ [REDACTED]. This would net each plaintiff, including Violet
23 [REDACTED]

24 Based on all of the considerations set forth I am of the professional opinion that the
25 requested fees and costs are fair and reasonable and that the net settlement to Violet is a reasonable
26 one..

27 DECLARATION OF WILLIAM L.E. DUSSAULT IN SUPPORT
28 OF MOTION FOR APPROVAL OF MINOR SETTLEMENT RE
VIOLET, A MINOR

9. It is my professional opinion based on all the facts and circumstances of this case that the motion for approval of the proposed settlement for Violet should be granted.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Respectfully signed and submitted this 16th day of July, 2021 at Seattle, Washington.

AIKEN ST. LOUIS & SILJEG P.S.

Williams Jr

By: William L.E. Dussault, WSBA No. 4611
Guardian ad Litem for "Violet"

**DECLARATION OF WILLIAM L.E. DUSSAULT IN SUPPORT
OF MOTION FOR APPROVAL OF MINOR SETTLEMENT RE
VIOLET, A MINOR**

EXHIBIT 1

AIKEN, ST. LOUIS & S1LJEG, P.S.

ATTORNEYS AT LAW

801 SECOND AVENUE, SUITE 1200

SEATTLE, WASHINGTON 98104

WILLIAM L.E. DUSSAULT

BILLD@AIKEN.COM

FACSIMILE: 206-623-5764

TELEPHONE: 206-624-2650

WILLIAM L. E. DUSSAULT

CURRICULUM VITAE

Emphasizing Law for Persons with Disabilities

Education and Bar Admissions

University of Washington, BA, Political Science, History, 1969

University of Washington, Juris Doctor, Law, 1972

Admitted to Washington State Bar, September, 1972

Admitted to Federal District Court, January, 1973

Admitted to United States Supreme Court, September, 1982

Admitted to Colorado State Bar, February, 2007

M emberships, Appointments

Member, American/Washington/Seattle-King County Bar Associations

Speaker, Brain Injury Association Legal Conference*, 1987 through present

Consultant, Autism Society of America (ASA), formerly National Society for Autistic Children and Adults (NSAC):

National Professional Advisory Board, 1978-to present

Chairperson, National By-Laws Committee, 1984-1986

Co-Chair, King County Court 2009 Mandatory Settlement Guardian Ad Litem Training

Member, Washington State Bar Association Rules of Professional Conduct Committee
2003 -2004

Guest lectures, Seattle University Law School National Training for Special Education

Administrative Law Judges 2002 to 2011

Editorial Board, Journal of Positive Behavior Interventions, 1998 to 2000

Chair, National Human Rights Committee, Association for Retarded Citizens, US (ARC-US) 1989-1991

Member, American College of Legal Medicine (ACLM) 1997-1999

Member, and Vice President for Finance, Board of Directors, Brain Injury Association of America (BIA-formerly known as National Head Injury Foundation or NHIF), 1996-2001

Contributing Editor, National Structured Settlement Trade Association "White Paper"
quarterly publication on settlements (1995-1998)

Faculty, Philip E. Heckerling Institute on Estate Planning, University of Miami School of Law, 1995

Mentor, Seattle University School of Law, 1994-1995

Consultant, Guardianship, ARC-US, 1988

Keynote Speaker, National Institute on Special Education and the Law, 1987

Vice-Chairperson, American Bar Association Family Law Committee on Mental Disability 1986-1994

Adjunct Professor, University of Washington School of Law, Disability Law 1986-1994

Wm. L. E. Dussault
Curriculum Vitae
Page 2

Member, Future Planning and Insurance Committee, ARC-US, 1986-1988
Member, Board of Directors of Accreditation Council for Services for Mentally Retarded and Other Developmentally Disabled Persons (AC MRDD), 1982-1988, Executive Committee, 1986-1988
Consultant, Tourette Syndrome and the Law Workshop, 1986
Consultant, Settlement Trusts, California State Bar All Star Seminar, 1986 and 1987
Keynote speaker, faculty and Executive Board member, Pacific Northwest Special Education and the Law Conference, 1984 to 2010
Adjunct Professor, Central Washington University, Department of Special Education, 1982/1984
Consultant, ABA Guardianship/Limited Guardianship Report, 1981
Faculty, University of Washington School of Nursing: Nursing, Law and Ethics, 1978-1994
Judge Pro Tempore, Seattle Municipal Court 1977-1990
Testimony to U.S. Senate: Handicapped Children's Protective Act 1977
Former Counsel, The Association for Persons With Severe Handicaps (TASH) 1975-1995
Washington State Human Rights Commission Advisory Council for the Physically, Mentally and Sensory Handicapped, 1974-1976
Keynote speaker, Washington State "You Are the Expert" conferences for parents, 1976-1996
Executive Director, Washington State Developmental Disabilities Planning Commission, 1975-1976
Member, Washington State Superintendent of Public Instruction Committee to review and revise state Special Education Regulations 1972-1998
Governor's Committee on Employment of the Handicapped, 1972 to 1985
Washington State Special Education Commission, 1972
Washington State Legislative Review Committee, Special Education, 1972
Past President-Founder, Washington Chapter, National Academy for Elder Law Attorneys (NAELA)
Founder, Treasurer and Executive Board Member, COPAA (Council of Parent Advocates and Attorneys)
Board Member, Disability International Foundation
Consultant-Epilepsy Foundation of America-special needs estate planning-video preparation
Consultant-National Association for Down Syndrome-estate planning and special education issues
Former Editorial Board Member, Journal of the Association for Persons with Severe Handicaps (JASH)
Vice-President, Concepts for Independent Living, National Non-Profit Corporation (CIL)
Former President and current Board Member, Lifetime Advocacy Plus (aka LA+, formerly Foundation for the Handicapped), a private non-profit Guardianship and Trust agency for handicapped and elderly individuals
Faculty, Emmanuel College, Cambridge University, England, International Institute on Head Injury and the Law
Guest Lecturer, University of Oregon and Seattle University
Contract Reviewer, Department of Education, Office of Special Education Programs, Washington DC
Senior Rights Assistance Foundation of Washington, Advisory Board
Consultant to Guardianship, Advocacy and Protective Services (GAPS) Program, Oregon
Counsel, Washington Association for Persons with Disabilities
Volunteer, Washington and Colorado State Special Olympics
Director, Washington State Disabilities Political Action Committee (D-PAC)
Washington State Bar Association Civil Rights Committee

Wm. L. E. Dussault
Curriculum Vitae
Page 3

i Consultant, Bay Area Brain Injury Association* California
Consultant, Washington State Brain Injury Association*
Appointed as Litigation or Settlement Guardian ad Litem in state or federal courts in
WA, OR, AK, CO

Honors and Awards

Received 2012 Award of Merit by the Washington State Bar Association, its highest honor
Selected by Seattle Magazine as one of Seattle's top financial managers, 2010, 2011
Selected by Washington Law and Politics and Butch Blum-one of four best lawyers in Washington
State, 2003
Selected as one Washington's Best Lawyers, Washington Law & Politics 1999-2009
Life Member, National Registry, Who's Who 2001 Edition
Selected as one of Seattle's Best Lawyers, Seattle Magazine, 2001 issue
Selected as Honored Member, National Directory, Who's Who, 1994

Author ship

Co-Author, RCW 28A.13 Washington State Mandatory "Education for All" Law requiring
free appropriate public education for all children with disabilities, 1970
Author, 1975-1977 Washington State Limited Guardianship Act, RCW 11 .88 and 11.99; participant on
revisions, 1990/1991
Author, Comprehensive review of all Washington State laws affecting disabled persons (over 500 pages
of proposed legislation, with approximately 200 pages now enacted)
Co-Author, Initial Washington State Regulations on Special Education
Originating author-testamentary special needs trust-1973
Originating author-litigation special needs trust-1976
Co-Author OBRA'93 42 USC 1396p(d)(4)(a)
Authored Northwest Mutual Insurance Co. planning booklet on planning for disability
Chapter author-Legal Issues in Traumatic Brain Injury Rehab-Mark Ashley editor
Author, Best of CLE: Planning for Disability - 1985
Author, "Wills and Trusts - Future Planning Guide for the Parents and Families of Persons With
Disabilities" - 1984
Author, "Establishment and Operation of the Settlement Trust", 1988, and as amended
Co-Author, "How to Provide for Their Future", ARC-US
Author, Future Planning Guide for the Parents and Families of Persons with Disabilities, Washington ARC
Trust Fund and The Foundation for the Handicapped
Author, Numerous Law Review Articles, book chapters, seminar materials, popular articles, etc.,
concern ing:
 Malpractice and ethical issues in personal injury settlements
 Special Needs Settlement Trusts

"This organization, which has national and state chapters, was formerly known as the Head Injury Foundation ("HIF" - National Head Injury Foundation or NHIF, Washington State Head Injury Foundation or WashHIF, etc.)

Wm. L. E. Dussault
Curriculum Vitae
Page 4

Guardianship, Protective Services for the Disabled and the Elderly;

Special Education

Law and the Disabled

Wills and Trusts for individuals with Disability and Family

Informed Consent

Ethics and Research with Human Subjects

Advocacy

Government Benefits

Presentations on Catastrophic Personal Injury Case Settlements-Ethics and management devices,
National AAJ - WA, CA, UT, TX, OH, MT, CO, LA ,MI -AAJ formerly Trial Lawyers Associations and
Defense Research Institute

Sample Agency Consultations

State of Washington Superintendent of Public Instruction

State of Washington Developmental Disabilities Planning Council

State of Washington Protection and Advocacy Agency

State of Washington Association for Retarded Citizens

State of Washington Developmental Disabilities Residential Service Association

State of Washington Coalition for Special Education

State of Oregon Association for Retarded Citizens

State of Oregon Division of Mental Health

State of Montana Developmental Disabilities Council

State of North Dakota Department of Education

State of Kansas Department of Education

State of Colorado Department of Education

State of Tennessee Protection and Advocacy Agency

Northwest Association of Rehabilitation Industries

William L.E. Dussault, J.D.

William L.E. Dussault received his Juris Doctorate from the University of Washington School of Law in 1972. He is a member of the American Bar Association, Washington State Bar Association, Colorado State Bar Association and Seattle-King County Bar Association, and has been admitted to practice in the State of Washington (1972), U.S. Federal District Court (1973), U.S. Supreme Court (1982) and State of Colorado (2006). He maintains a private practice in Seattle with an emphasis on the rights of persons with disabilities. In 1970 Mr. Dussault was the originating author of the first state Mandatory Special Education Law-known as the "Education for All" law, as well as numerous revisions to many state's Guardianship and Conservatorship laws and the original special needs trust for use in estate planning and public benefit preservation for persons who experience disabilities. He was also the originating author of 42 U.S.C. §1396p(d)(4)(A), the federal legislation authorizing use of special needs in conjunction with continuation or establishment of eligibility for certain federal benefit programs. He is actively involved with numerous state and national groups concerned with legal issues impacting persons with disabilities, and has served as counsel to TASH, vice-chair of the American Bar Association Family Law Committee on Mental Disability, and as a legal advisor, committee member or chair for the Autism Society, ARC, UCP, BIA and the Epilepsy Foundation, among others. He was selected as one of Washington's Super Lawyers by *Washington Law & Politics* annually from 1999 through 2006, and by *Washington Law & Politics* and Butch Blum as one of the four best lawyers in Washington State in 2003. In 2013 he was awarded the Washington State Bar Association Award of Merit, the Bar's highest honor. Mr. Dussault is a frequent presenter on special education, disability rights, coordination of public benefits and private resources, estate planning for families affected by disabilities and other related topics.

EXHIBIT 2

1 HEARING DATE: December 21, 2015
2
3
4
5
6
7

RECEIVED & FILED

DEC 21 2015

In re the Settlement of "Violet"

NO. [REDACTED]

A Minor.

10 ORDER APPOINTING SETTLEMENT
11 GUARDIAN AD LITEM MASTER FOR [REDACTED] *TAS*
12 CLERKS ACTION REQUIRED

13 THIS MATTER having come on the petition of "Violet" to appoint a Settlement
14 Guardian Ad Litem Master and the Court having reviewed Petition for Order Appointing
15 Settlement Guardian Ad Litem Master Purusant to [REDACTED] and Declaration of
16 Parent in Support of Petition for Order Appointing Settlement Guardian Ad Litem Master
17 Purusant to [REDACTED] this Court hereby finds that:

18 1. Because of the sensitive nature of the subject matter of this action, and
19 because disclosure of her identity together with the history disclosed in this matter
20 would be highly offensive to a reasonable person such that her personal privacy would
21 be unreasonably invaded, it is appropriate that the minor child be known by a
22 pseudonym herein such as "Violet".

23 2. William L. E. Dussault meets the requirements of [REDACTED] and he
24 should be given independent authority to approve settlements of \$25,000 or less as
25 they arise without bringing each individual settlement back to the court for approval.
✓

26 [PROPOSED] ORDER APPOINTING
27 SETTLEMENT GUARDIAN AD LITEM MASTER
FOR "VIOLET" -1

CAROL L. HEPBURN, P.S.
ATTORNEYS AT LAW
200 FIRST AVENUE WEST, SUITE 550
SEATTLE, WA 98119
TEL: (206) 957-7272 / FAX: (206) 957-7273

1 THEREFORE IT IS HEREBY ORDERED THAT:

2 1. The minor child shall be known by the pseudonym "Violet" herein.
3 2. William L. E. Dussault is appointed as a Settlement Guardian Ad Litem Master
4 for the minor known as "Violet" and he shall have all of the duties, powers and
5 authorities as are granted under the [REDACTED]

6 [REDACTED] and including but not limited to the authority to
7 evaluate any settlement proposals and make recommendations to the Court as to the
8 appropriateness of such proposals and the appropriate method for managing the
9 proceeds therof for settlement of any individual restitution request or civil matter under
10 the amount of \$25,000.00.

11 3. William L. E. Dussault, as Settlement Guardian Ad Litem Master herein is
12 authorized to expend 20 hours of time in conducting his duties and initial
13 evaluation of the minor, her condition and losses and the general nature of the cases,
14 and approval of settlements, and he may do so charging a fee at his usual hourly billing
15 rate for legal services of \$325.00 per hour. Should additional time be needed, he may
16 petition the court for authority to expend additional time for a fee.

17 4. William L. E. Dussault, as Settlement Guardian Ad Litem Master herein is
18 authorized to approve settlements of restitution requests made on behalf of the minor as
19 described herein. Approval of the Settlement Guardian Ad Litem Master for settlements
20 of \$25,000.00 or less shall be considered equivalent to approval by the Court.

21
22 5. Upon resolution of restitution requests resulting in orders being entered
23 awarding amounts totaling \$25,000.00 whether by settlement or judgment, the
24
25

26 [PROPOSED] ORDER APPOINTING
27 SETTLEMENT GUARDIAN AD LITEM MASTER
28 FOR "VIOLET" -2

CAROL L. HEPBURN, P.S.
ATTORNEYS AT LAW
200 FIRST AVENUE WEST, SUITE 550
SEATTLE, WA 98119
TEL: (206) 957-7272 / FAX: (206) 957-7273

1 Settlement Guardian Ad Litem ~~Master~~ shall prepare and present a Report to the Court
2 pursuant to [REDACTED]

3
4 6. Counsel for Petitioner, Carol L. Hepburn is hereby authorized to continue to
5 represent and to appear as counsel on behalf of the minor "Violet" in all matters relating
6 to requests of restitution and pursuit of civil damages which may be recoverable as a
7 result of her victimization in such crimes as are at issue herein.

8 7. _____
9
10
11

12 DATED this 21st day of December, 2015.
13 [REDACTED]
14
15

16 PRESENTED BY:
17
18 CAROL L. HEPBURN, P.S.
19

20 
21

22 Carol L. Hepburn, WSBA No. 8732
Attorneys for "Violet"
23
24
25
26

[PROPOSED] ORDER APPOINTING
SETTLEMENT GUARDIAN AD LITEM MASTER
FOR "VIOLET" -3

CAROL L. HEPBURN, P.S.
ATTORNEYS AT LAW
200 FIRST AVENUE WEST, SUITE 550
SEATTLE, WA 98119
TEL: (206) 957-7272 / FAX: (206) 957-7273